



## MEMORANDUM

**DATE:** May 5, 2005

**TO:** ALL STATE AGENCIES, EMPLOYEE ORGANIZATIONS, AND  
MEMBERS OF THE GOVERNOR'S CABINET

**SUBJECT:** Amendment and Repeal of Rules Affecting Psychological Screening of  
Peace Officer Candidates

This memorandum is to advise you that the amendments to Title 2 of the California Code of Regulations (2CCR), §§ 172.4 through 172.10 became effective on April 19, 2005. The regulations, in their final form, reflect minor, non-substantive revisions in response to public comment regarding the Notice of Proposed Revisions of Regulations and Statement of Reasons dated January 21, 2005, and heard and adopted by the five-member State Personnel Board on March 8, 2005. The final regulations, as amended, are attached and will be published in the CCR, Title 2, Division 1, §§ 172.4 through 172.10.

The State Personnel Board (SPB) initially codified the definitions, standards and procedures for psychological screening in early 1988. 2CCR §§ 172.4 through 172.10, as amended, change these initial regulations so as to: (1) reference Government Code (GC) § 1031, subdivision (f), to more specifically define a "qualified professional" who performs mental and emotional fitness evaluations for peace officer applicants or employees; (2) correct and update language so that the standards and procedures are more clearly and accurately defined and brought into alignment with the current professional "state of the art" in psychological screening as allowed by GC § 1031, subdivision (g); and (3) add appropriate references, including GC § 1031, subdivision (g) and Penal Code § 13601, subdivision (a). The reorganization and updating of the regulations more accurately reflect the "real world" psychological screening process and have no impact on the way SPB currently conducts psychological screening.

Contact Person:

Inquiries regarding these regulations may be directed to Dr. Sherrill Leake at (916) 653-1258, TDD (916) 653-1498 or [SLEAKE@spb.ca.gov](mailto:SLEAKE@spb.ca.gov).

*/s/Floyd D. Shimomura*

Floyd D. Shimomura  
Executive Officer

Attachment: Text of Final Regulations

# **REGULATIONS GOVERNING PSYCHOLOGICAL SCREENING**

## **TITLE 2. Administration**

### **DIVISION 1. Administrative Personnel**

#### **CHAPTER 1. State Personnel Board**

##### **SUBCHAPTER 1. General Civil Service Regulations**

##### **ARTICLE 8. Examinations**

#### **§ 172.4. Definition of Psychological Screening.**

Psychological screening is the mandatory pre-employment assessment of the psychological fitness of candidates for appointment as peace officers including peace officers in either a youth or adult correctional facility.

NOTE: Authority cited: Sections 18211, 18213 and 18701, Government Code.  
Reference: Sections 1031, subdivision (f) and 18931, Government Code.  
Section 13601, subdivision (a), Penal Code.

#### **§ 172.5. Definition of Qualified Professional.**

A qualified professional shall meet the criteria set forth in Government Code Section 1031, subdivision (f).

NOTE: Authority cited: Sections 18211, 18213 and 18701, Government Code.  
Reference: Section 1031, subdivision (f), Government Code. Section 13601, subdivision (a), Penal Code.

#### **§ 172.6. Responsibility for Psychological Screening.**

The board shall psychologically screen candidates for peace officer classifications, unless the board delegates to an appointing power the authority to conduct psychological screenings in accordance with this regulation. No appointing power shall conduct any psychological screenings without prior board authorization, except as otherwise authorized by law. Any request for authorization must be submitted in writing to the board. An appointing power authorized by the board to conduct psychological screening shall do so in accordance with the procedures defined in Sections 172.7, 172.8, 172.9, and 172.10.

NOTE: Authority cited: Sections 18211, 18213 and 18701, Government Code.  
Reference: Section 18500, Government Code.

## **§ 172. 7. Standards and Procedures for Psychological Screening.**

The standards and procedures for conducting psychological screening shall be as follows:

(1) Minimum Psychological Standards. In order to be certified as a peace officer, a candidate must be found to be free from any job relevant psychological, emotional or mental traits, characteristics, or conditions that might adversely affect the performance of the duties and powers of a peace officer.

(2) Psychological Tests. Each candidate shall take a minimum of two written psychological tests (inventories) consistent with the requirements of the Commission on Peace Officer Standards and Training (POST).

(3) Evaluation Interview. Each candidate shall have a face-to-face evaluation interview conducted by a qualified professional as defined in Section 172.5 and selected by the board's Psychological Officer. With respect to each candidate, the interviewing qualified professional shall have prior access to all psychological screening tests and questionnaire data, summaries of available prior screening reports, summaries of available prior mental health evaluation/treatment records and salient medical records, and a summary of the appointing power's background investigation report.

(4) Report of Findings. The interviewing qualified professional shall submit to the board's Psychological Officer a recommendation as to whether the candidate meets the minimum psychological standards for appointment as a peace officer, together with a detailed report of findings and opinions that explain and support the recommended decision.

(5) Screening Determination. The board's Psychological Officer shall determine whether candidates should be certified as meeting the psychological standards for appointment as peace officers, subject to the right of appeal to the board. In determining whether a candidate meets the psychological standards for appointment as a peace officer, the board's Psychological Officer shall consider the qualified professional's report of findings, written psychological test data, and substantiating behavioral evidence derived from one or more of the following sources: prior evaluation and/or treatment records; background investigation or other information collected by the appointing power or the board; the candidate's self-report of personal history; and behavior manifested in the evaluation interview.

NOTE: Authority cited: Sections 18211, 18213 and 18701, Government Code.  
Reference: Sections 1031, subdivisions (f) and (g), and 18931, Government Code.  
Sections 13503, 13506, 13510, 13510.5 and 13601, subdivision (a), Penal Code.

## **§ 172.8. Psychological Screening Withhold from Certification.**

The board may withhold or withdraw from certification, prior to appointment, any candidate who does not meet the minimum psychological standards as defined in Section 172.7(1).

NOTE: Authority cited: Sections 18211, 18213 and 18701, Government Code.  
Reference: Section 18935, Government Code.

### **§ 172.9. Appeal of Psychological Screening Withhold.**

Candidates withheld or withdrawn from certification pursuant to Section 172.8 may file a written appeal. Any such appeal shall be filed within 30 days after the candidate is notified that he or she had been withheld or withdrawn from certification. Upon receipt of the written appeal, the Appeals division will forward to the candidate instructions for obtaining an evaluation from an outside qualified professional selected by the candidate, including a release form to be signed by the candidate authorizing the release of psychological screening records to the qualified outside professional. The appeal may be dismissed if the candidate fails to return the signed authorization prior to obtaining an evaluation from the outside professional. The qualified outside professional shall, within 90 days of the date that the appeal is filed with the board, submit a signed written report stating an opinion as to whether the candidate meets the minimum psychological standards for appointment as a peace officer, together with documentation of findings that explain and support that opinion. The appeal may be dismissed if the selected outside professional does not submit the requisite report within the 90 day time period. The appeal shall be dismissed if the qualified professional selected by the candidate does not submit an evaluation report recommending that the candidate meets the minimum psychological standards for appointment as a peace officer. Upon timely receipt of a positive evaluative opinion and report from the selected outside professional, the appeal shall be scheduled for review.

NOTE: Authority cited: Sections 18211, 18213 and 18701, Government Code.  
Reference: Section 18670, Government Code.

### **§ 172.10. Retention of Psychological Screening Records.**

The board shall retain all psychological screening testing materials, written reports and related records for a minimum of five years. These records shall be the exclusive property of the board. Confidentiality of these materials and related information shall be maintained consistent with laws governing the collection, maintenance, and release of medical and psychological information, including but not limited to the Information Practices Act of 1977 (Title 1.8 of Division Third, Part 4 of the Civil Code, commencing with Section 1798) and the Confidentiality of Medical Information Act (Part 2.6 of Division First of the Civil Code, commencing with Section 56).

NOTE: Authority cited: Sections 18211, 18213 and 18701, Government Code.  
Reference: Section 18931, Government Code.